

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KATHRYN MCDANIEL,

Plaintiff,

v.

LEGEND ENERGY SERVICES, LLC,

Defendant.

Case No: CIV-20-1278-R

**PLAINTIFF'S MOTION TO REOPEN**

Plaintiff, Kathryn McDaniel hereby move this Court to reopen the above-captioned matter. In support of this Motion, Plaintiff shows the Court the following:

1. This matter had been initially filed on December 22, 2020. *See* Doc. No. 1.
2. Litigation commenced on this matter, and Parties were to adhere to the

Scheduling Order as Listed Below:

<b>Type of Deadline:</b>	<b>Deadline:</b>
Plaintiff's Final Witness List	November 1, 2021
Plaintiff's Final Exhibit List	November 1, 2021
Defendant's Final Witness List	November 12, 2021
Defendant's Final Exhibit List	November 15, 2021
Discovery	December 15, 2021

Dispositive & Daubert Motion	November 15, 2021
Motions in Limine	January 6, 2022
Voir Dire	January 6, 2022
Trial Briefs	January 6, 2022
Jury Instructions	January 6, 2022
Deposition Designations	December 31, 2021
Final Pretrial Report	January 6, 2022
Objections to Deposition Designations	January 6, 2022
Trial	February 2022

*See* Doc. 25.

3. On October 26, 2021, Defendant placed Plaintiff and the Court on notice that they had filed a Chapter 7 Bankruptcy in the U.S. Bankruptcy Court, Eastern District of Texas, Case No. 21-60451. *See* Doc. No. 27.

4. The Honorable Court entered an Administrative Closing Order on October 27, 2021, and the Court terminated the action without prejudice to allow the parties to reopen the proceedings. The Court's Order specifies that the matter may be reopened upon

the termination of the bankruptcy proceeding, or on any order of the Bankruptcy Court granting Plaintiff relief from the automatic stay. *See* Doc. No. 28.

5. On February 22, 2022, Plaintiff was granted relief from the automatic stay to allow her matter in federal court litigation to proceed. The Bankruptcy Order specifies that Plaintiff's matter against Defendant may proceed in this matter, styled CIV-20-1278-R. *See Exhibit A.*

WHEREFORE, Plaintiff requests this Honorable Court to issue an Order to Reopen this matter to allow parties to resume litigation.

Respectfully Submitted,

/s/ Mary Rahimi

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 25, 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Sam R. Fulkerson  
Anh Kim Tran  
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& STEWART, P.C.  
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/s/ Mary Rahimi  
Mary Rahimi